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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,153	11/06/2001	Timo Viero	975.377USW1	9451
32294 7590 08/26/2008 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212			EXAMINER NGUYEN, PHUONGCHAU BA	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 08/26/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/014,153

Applicant(s)

VIERO, TIMO

Examiner

PHUONGCHAU BA NGUYEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-48 and 51-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36, 37, 43-47, 51, 53, 55 and 64-66 is/are allowed.
- 6) ☒ Claim(s) 34, 35, 38-42, 48, 52, 54, 56-63 and 67-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of Reference Cited (PTO 152)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO 413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 34–35, 38–42, 48, 52, 54, 56–63, 67–73 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe (6285662).

Regarding claim 34:

Watanabe discloses a method comprising:

a) receiving a parameter (a number of timeslot allocated to form random access channel, see col.3, line 66–col.4, line 9) defining allowed access slots of a physically existing random access channel (RACH) from a base transceiver station AP 14 in a mobile communications network (fig.1) by at least a mobile stations (MS–12) of a plurality of mobile stations MS–120 of the mobile communications network (fig.1);

b) determining (selecting), at said at least one mobile station (MS–12, fig.1), said allowed access (timeslot defining random access channels of MAC frame) of the physically existing random access channel based on said parameter (allocated timeslots) {col.3, line 66–col.4, line 9}; and

c) using (the allocated timeslots), at said at least one mobile station, the physically existing random access channel (of the random access channels) to initiate (transmitted packet data upon the random access channel of permitted

random access, col.4, lines 14-40) a random access operation (to any mobile station having the permitted random access slots) with said base transceiver station (AP-14).

Regarding claim 58:

Watanabe discloses an apparatus comprising:

a) a receiver configured to receive from a network element (base transceiver station AP 14) a parameter (a number of timeslot allocated to form random access channel, see col.3, line 66-col.4, line 9) defining allowed access slots (the number of allocated timeslots) of a physically random access channel (RACH) for a random access operation;

b) determiner configured to determine (selecting) said allowed access (timeslot defining random access channels of MAC frame) of the physically existing random access channel based on said parameter (allocated timeslots) {col.3, line 66-col.4, line 9} from the network element (base transceiver station AP 14);

c) transmitter configured to initiate transmission of a random access message (transmitted packet data upon the random access channel of permitted random access, col.4, lines 14–40) to said network element (base transceiver station A)P 14) at least one of said determined allowed access slots of physically existing random access channel–RACH (from any mobile station having the permitted random access slots).

Regarding claims 35, 59: Watanabe further discloses wherein said parameter is received via a broadcast channel {col.5, lines 39–45}.

Regarding claim 38: Watanabe further discloses wherein said parameter defines a subset of available access slots of said mobile communication network (the allocated timeslot on the random access channel, col.5, lines 18–35).

Regarding claim 39: Watanabe further discloses wherein said subset is determined by another parameter transmitted from said base transceiver station to said mobile station (col.4, lines 16–19).

Regarding claim 40: Watanabe further discloses wherein said other parameter is a timing parameter defining *a transmission timing of an uplink access slot (allocated timeslot* on the random access channel, col.4, lines 16–19).

Regarding claim 41: Watanabe further discloses wherein said other parameter is transmitted via a broadcast channel (col.4, lines 10–16).

Regarding claim 42: Watanabe further discloses wherein the bit number of said parameter is changed in dependence on said other parameter (col.16–40, parameter changing because of collision).

Regarding claims 48, 61–62: Watanabe further discloses wherein an index of an allowed uplink access slot is determined on the basis of a value of said parameter irrespective of a frame number of a frame used to transmit an uplink access slot (the allocated timeslot is the index, col.4, lines 16–19).

Regarding claim 52:

Watanabe discloses a system for performing random access in a mobile communication network, comprising:

a) a base transceiver station AP14-fig.1 configured to receive a parameter (allocated timeslots) of a physically existing random access channel (RACH) (col.9, lines 12-26) and

b) a plurality of mobile stations (MS12) configured to receive said parameter, for determining said allowed access slot of the physically existing random access channel based on said parameter (allocated timeslots, col.9, lines 12-26), and to use at least one of said determined allowed access slots of the physically existing random access channel to initiate a random access operation with said base transceiver station AP14-fig.1 (col.6, lines 12-26; also see fig.3).

Regarding claim 54:

Watanabe discloses an apparatus (AP14-fig.1) for a mobile communication network comprising a plurality of mobile stations (MS12-fig.1), comprising:

a) setting means (col.8, line 61-col.9, line 2) for setting a parameter defining allowed access slots a physically existing random access channel (RACH), wherein at least one mobile station initiates a random access operation to the apparatus based on the allowed access slots of the physically existing random access channel (col.9, lines 2-10); and

b) transmitting means (broadcasting, col.8, lines 61-66) for transmitting said parameter to said plurality of mobile stations (MS12-fig.1).

Regarding claim 56: Watanabe further discloses wherein said transmitting means to transmit said parameter via a broadcast channel (broadcasting, col.8, lines 61-66).

Regarding claim 57: Watanabe further discloses wherein said setting means (col.8, line 61-col.9, line 2) to set said parameter in dependence on a timing

parameter value (the number of timeslot that would be available for accessed) defining a transmission timing of an uplink access slot in said random access operation.

Regarding claim 63:

Watanabe further discloses wherein a selector configured to randomly select an uplink access slot to be used for transmitting a preamble of said random access message from the allowed access slots of the physically existing random access channel determined by said determiner (col.9, lines 12-26, wherein the frame transmitting on uplink access slot inherently having preamble, emphasis added).

Regarding claim 67:

Watanabe discloses a method for performing random access in a mobile communication network, comprising the steps of:

a) (MS-12, fig.1) receiving a parameter of at least one physically existing random access channel for a random access operation (col.9, lines 12-26);

b) (MS-12) determining said allowed access slots (of the physically existing random access channel) based on said parameter (col.9, lines 12-26);
and

c) (MS-30) initiating transmission of a random access message using at least one of said determined allowed access of the physically existing random access channel (col.9, lines 12-26).

Regarding claim 68:

Watanabe discloses a method comprising:

a) receiving information about a set of available uplink access slots of a physically existing random access channel (col.6, lines 12-26; wherein the parameters could have been a set of available uplink access of Random Access Channel (RACH)—emphasis added) in a mobile communication network (fig.1)

b) deriving available uplink access slots, in a next full access set, for the set of available uplink access (col.6, lines 12-26); and

c) randomly selecting one access among the available uplink to initiate a random access procedure (col.6, lines 12-26).

Regarding claim 69:

Watanabe discloses a method for performing random access in a mobile communication network, comprising the steps of:

- a) (MS-12, fig.1) receiving a set of available RACH sub-channels (RACHs), (fig.5) in a mobile communications network, a random access channel subchannel defining a sub-set of a total set of uplink access slots of physically existing random access channel (figs.1 & 3, col.9, lines 12-26);
- b) deriving available uplink access slots, in a next full access set, for the set of available RACH sub-channel (figs.1 & 3, col.9, lines 12-26); and
- c) randomly selecting one access among the available uplink access RACH sub-channels to initiate a random access procedure (col.9, lines 12-26).

Regarding claim 70:

Watanabe discloses a method comprising the steps of:

- a) receiving (at MS12-fig.1) an access parameter message sent on a broadcast channel in a mobile communication network, the access parameter

message (a number of timeslot allocated to form random access channel, see col.3, line 66–col.4, line 9) defining allowed transmission slots (the number of allocated timeslots) of physically existing random access channel in which random access channel transmission are limited to occur, wherein the allowed transmission slots are dictated by slot offset duration parameter (collision condition would cause the number of random access channels is relatively small, see col.9, lines 12–32);

b) calculating (by dynamically allocating) an allowed transmission based on (col.9, lines 12–26); and

c) initiating transmission of a random access message using the allowed transmission (col.9, lines 12–26).

Regarding claim 71,

Watanabe discloses an apparatus, comprising:

receiving means (MS12–fig.1) for receiving from a network element (AP14–fig.1) a parameter (allocated timeslots) of a physically existing random access channel for said random access operation (col.9, lines 12–26);

determining means (MS) for determining said allowed access of the physically existing random access channel based on said parameter (allocated timeslots) received from said network element (AP) (col.9, lines 12–26); and

transmitting means (MS) for initiating transmission of a random access message to said network element (AP) using at least one of said determined allowed access of the physically existing random access channel (col.9, lines 12–26).

Regarding claim 72, Watanabe further discloses determining means for determining an allowed downlink slot by adding a predetermined value to an index of a received uplink slot (col.4, lines 31–40, increasing the content window in size–allocated timeslot, see also, col.4, lines 6–9)..

Regarding claim 73, Watanabe further discloses selecting means for selecting said predetermined value in accordance with a timing parameter defining a transmission timing of said uplink slot (the selected time slot are dynamically allocated on a frame by frame basis, see col.3, line 66–col.4, line 9).

Allowable Subject Matter

3. Claims 36-37, 43-44, 45-47, 51, 53, 55, 64-66 are allowed.

Response to Arguments

4. Applicant's arguments filed 7-21-8 have been fully considered but they are not persuasive.

A/. Applicant argued that Watanabe does not recite "a parameter defining allowed access slots of a physically existing random access channel" in independent claims 34, 52, 54, 58, 67-71, as such it appears that the access channel is not formed prior to receipt of the indication of the number of time slots.

In reply, applicant is directed to column 8, lines 5-25 wherein a number of time slots (parameter) forming random access channels are dynamically allocated, the number of times slots allocated to from a random access channels within a particular frame. Thus the channel physically existed in order for selecting the allocated slots for indicated the permitted accesses to the channel within the particular frame.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUONGCHAU BA NGUYEN whose telephone number is (571)272-3148. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUONGCHAU BA NGUYEN/
Examiner, Art Unit 2616

/FIRMIN BACKER/
Supervisory Patent Examiner, Art Unit 2616

Application Number**Application/Control No.**

10/014,153

**Applicant(s)/Patent under
Reexamination**

VIERO, TIMO

Examiner

PHUONGCHAU BA NGUYEN

Art Unit

2616